

In re: Wilfred Cannon) Case Number: 12-19038
) Chapter 13 Proceedings
Debtor.) Judge Arthur I. Harris

**TRUSTEE'S OBJECTION TO MOTION TO MODIFY
PREVIOUSLY CONFIRMED CHAPTER 13 PLAN**

Now comes CRAIG SHOPNECK, the duly appointed, qualified, and standing Chapter 13 Trustee (“Trustee”) herein, by and through counsel, and hereby objects to the Motion to Modify Previously Confirmed Chapter 13 Plan (the “Motion”). In support of his objection, Trustee makes the following representations to this Honorable Court:

1. On December 13, 2012, Debtor filed a voluntary petition for relief under Chapter 13 of Title 11, U.S.C. On March 25, 2013, this Court entered the order confirming the modified Chapter 13 Plan (the “Plan”). The Plan requires monthly payments to Trustee in the amount of one thousand one hundred sixty-one and 00/100 dollars (\$1,161.00) and a dividend to unsecured creditors of zero percent (0%).

2. The Motion is requesting reduction of the payment to two hundred seventy and 00/100 dollars (\$270.00) and deletion of conduit and mortgage arrearage provisions based on an anticipated loan modification agreement with the mortgage creditor, OCWEN Loan Servicing¹. It is Trustee's position that entry into the loan modification does not validate the reduction of the Plan payment. In fact, if approved, the loan modification will actually make additional income available for repayment to the creditors of Debtor's bankruptcy estate.²

3. Trustee reserves the right to amend and/or supplement his objection should additional information be provided.

¹The motion and Trustee's objection thereto is scheduled for hearing on October 10, 2013, the same date as the hearing on the objection at bar.

² According to the anticipated terms of the loan modification agreement, Debtor's current total monthly principal, interest and escrow payment of seven hundred forty-seven and 00/100 dollars (\$747.00) will be reduced to four hundred fifty and 00/100 dollars (\$450.00).

WHEREFORE your Trustee, being a proper party in interest, hereby moves this Honorable Court to sustain his objection and deny the Motion for the aforementioned reasons cited.

Respectfully submitted,

/S/ Philip D. Lamos

PHILIP D. LAMOS (#0066844)

Attorney for Craig Shopneck, Chapter 13 Trustee

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2013, a true and correct copy of Trustee's Objection to Motion to Modify Previously Confirmed Chapter 13 Plan was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Lee R. Kravitz, on behalf of Wilfred Cannon, Debtor, at leekravitz@sbcglobal.net

And by regular U.S. mail, postage prepaid, on:

Wilfred Cannon, Debtor, at 18408 Windward Road, Cleveland, OH 44119

/S/ Philip D. Lamos

PHILIP D. LAMOS (#0066844)

PDL/dlr

10/3/13